THE XXj PARLIAMENT OF OVR MOST HIGH AND DREAD SOVERAINE,

JAMES by the grace of GOD, King of SCOTLAND, ENGLAND, FRANCE, and IRELAND: Defender of the Faith.

Halden at Edinburgh *the xxiij day of October*, 1612. by the Noble and potent Lord ALEXANDER Earle of *Dunfermling*, Lord *Fyvie* and *Vrquhart:* great *Chancellar of* SCOTLAND &c. Commissionar appointed for halding of the said Parliament, by vertue of his Majesties Commission granted to him, vnder the great Seale of this Kingdome: With the speciall advyse consent and assent of the Estates of this Realme.

EDINBURGH,
¶ Printed bee Thomas Finlason, printer to the KINGS richt excellent Majestie. 1612.
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A RATIFICATION OF THE ACTS AND CONclusions, ſet doun and agreed vpon; in the generall Aſſemblie of the Kirk, keeped in Glaſgow in the moneth of June 1610. Together with ane explanation made by the Eſtates of ſome of the articles of the ſame.

CHAP. I.

FOR-SAMEIKLE AS IN THE Parliament halden at Edinburgh, in the yeere of GOD, 1597. The Eſtates of this Kingdome remitted to his Majeſtie to conſult and agree with the generall Aſſemblie of the Kirk, vpon the auctoritie and power whilk the Arſhbiſhops and Biſhops ſould haue in the Policie and diſcipline of the Kirk: Where-anent after that his Majeſtie and his Commiſſionars had many tymes moſt feriouſlie conferred and advyſed with the Miniſtrie. At laſt concluſion was taken, in the generall Aſſemblie halden at *Glaſgow*, in the moneth of June 1610 yeeres. Determining all the doubtfull and contraverted points concerning the juriſ-diction policie, and diſcipline foreſaid, with full and vniforme conſent of ane verie frequent numer of godlie Miniſters, aſſiſted be the counſell and concurrence of ane great manie of beſt affected Nobilitie, Barons, and Cõmiſſioners of Burrowes of this Kingdome, in manet ſubſtance and effect following: with the explanation made be the Eſtates of Parliament preſentlie conveined, of ſome of theſe articles reſolved vpon in the foreſaid aſſemblie of *Glaſgow*.

IN THE FIRST the foreſaid aſſemblie acknawledgeth the Indiction of the generall aſſemblie of the Kirk to appertein to his Majeſtie, by the prerogatiue of his Royall Crowne.

AND FORDER Ordeineth that the Biſhops ſhalbe Moderators in euerie Dioceſian ſynode. And the ſynode ſhal hald twyſe in the yeere of the Kirks of euerie Diocie. viz. in Aprile, and October: And where the Dioceſes are large that there be two or three ſynodes in convenient places for eaſe of the miniſtrie. And incaſe the Biſhop of the Diocie be abſent vpon any neceſſar occaſion, in that caſe his place ſhalbe ſuppleed be ſick ane worthie

miniſter (bearing charge within the bounds) as the Arch-biſhop or Biſhop ſhall appoint.

THAT NO SENTENCE of excommunication or abſolution there of be pronunced againſt or in fauours of any perſon, without the knawledge & approbation of the Biſhop of the Diocie, who moſt be anſwerable to GOD, and his Majeſtie for all formall and vnpartial proceeding therein: And the proceſſe beeng found formall, the ſentence to be pronunced at the direction of the Biſhop, be the miniſter of the Paroche where the offender dwelles, and the proceſſe began.

THAT ALL PRÆSENTATIONS to benefices bee directed hereafter to the Arch-biſhop or Biſhop of the Diocie, within the which the benefice vacant be dimiſſion, deprivation, deceſſe, or vtherwayes lyeth. With power alſo to the Arch-biſhop or Biſhop to diſpone and confer ſick benefices as falles in his Diocie (*Iure deuoluto.*) Provyding alwayes incaſe any Arch-biſhop or Biſhop, ſhould refuſe to admit any qualified Miniſter, (accepting the preſentation granted to him & who hath bene once receued and admitted to the function of the miniſtrie, being then ſtill vndepryved) preſented to them be the Patron, In the caſe of any ſick refuſe. IT ſhalbe lawfull to the Patron to reteine the whole fruicts of the ſaid benefice in his awn hands. And ather hee or the paroche wanting a Paſtor, be reaſon of the not planting of the Kirk. (Incaſe the refuſall thereof come be the Biſhop) may complaine therof to his Arch-biſhop, and if ather the Arch-biſhop be the refuſer, or els doeth not giue due redreſſe being complained vnto, In that caſe the Lords of his Majeſties privie Counſell vpon the parties complaint of the refuſe, and no ſufficient reaſon being giuen for the ſame, Sall direct letters of horning charging the Ordinarie to doe his duetie in the receauing and admitting of ſick a perſone as the ſaid Patrone hath preſented. IT is alwayes Declared that if any Arch-biſhop or Biſhop ſhall deprehend any ſick perſon as is preſented to him to haue come within compaſſe of a Simoniacall paction with his Patrone, in ſo far as he hath ather alreddie hurt, or promiſed & boūd himſelfe to prejudge and hurt the ſtate of his benefice in not reſerving a ſufficient maintenance for him and his ſucceſſors anſwerable to the eſtate of his benefice: And that the Biſhop or Arch-biſhop ſhall vnderſtand the ſame ather by the parties oath, or vther clear proof and evidence. In that caſe they may lawfullie refuſe any ſick perſone preſented vnto them. Bot if the partie who is preſented hath reſerved to him-ſelf and his ſucceſſors a ſufficient maintenance, the ſetting of tacks or promiſe to doe the ſame or doing of any thing els to his Patron (being not prejudiciall to that aforeſaid maintenance) ſhal no wayes be aſcryued to any Simoniacall paction, nor ſhall not ſerue for any reaſon to the Arch-biſhop or Biſhop to refuſe him. And incaſe any ſick contrauerſie or queſtion ſhall occurre betwix the Patron, the perſon preſented and the Arch-biſhop or Biſhop. IT is decared, that the Lords of Counſell and Seſſion ſhalbe Judges thereunto, to decyde vpon the ſaid Simoniacall paction & qualitie of the ſame, if any ſik thing ſhalbe objected againſt the partie preſented.

IN DEPOSITION of the Miniſters, the Biſhop aſſociating to him ſelfe

ſelfe the miniſtrie of theſe boun-des where the delinquent ſerued, he is there to take tryell of the fact, and vpon juſt cauſe found to depryue: And the lyk ordour to be obſerued in ſuſpenſioun of Miniſters from the exerciſe of the function.

THAT EVERIE MINISTER in his admiſſion ſhall ſwear obedience to his Majeſtie, and to his Ordinar, acording to this forme following I *A, B.* now nominat and admitted to the Kirk of *D.* Teſtifie and declare in my conſcience, That the *RICHT EXCELLENT, RICHT HICH,* and *MICHTIE TRINCE*, JAMES the ſext by the grace of GOD, King of *Scotland, England, France*, and *Ireland*: *defender of the Faith*, &c. is the only lawfull Supreme Gouernour of this Realme, Alſweel in matters ſpirituall and Eccleſiaſticall, As in things Temporall: And that no foreine Prince, State, nor Potentat, hes or ought to haue any jurisdiction, power, ſuperioritie, prę-eminence, or authoritie, Eccleſiaſticall or ſpirituall, within this Realme. And theirfor I vtterlie renunce and foreſaike all foreine juris-diction, power, ſuperiorities and authorities. And promeſs that from this furth Iſhal and will bear faith, and true alledgence to his Highnes, his heires and lawful ſucceſſors: And to my power ſall aſſiſt and defend all juris-dictions, priuileges, prę-eminences, and authorities granted and belonging to his Highnes, his heires, and lawfull ſucceſſors. Or vnited & annexed to his royal Crown. And forder I acknawledge and confeſſe to haue and to hold the ſaid *C.* and poſſeſſion of the ſame vnder GOD, of his Majeſtie, and his Crowne royall of this Realme: and for the ſaids poſſeſſions, I doe Homage preſentlie to his Highnes in your preſence, and to his Majeſtie his heires and lawfull ſucceſſors ſhalbe true. *So helpe me GOD.* And als that euerie Miniſter in his admiſſion ſhall ſweare obedience to his Ordinare, according to this forme following, I *A, B.* now adimtted to the Kirk of *C.* promeſs and ſwears, to *E, F.* Biſhop of that Diocie, obedience, and to his ſucceſſors in all lawfull things *So helpe me GOD.*

AND IF THE SAID BENEFICE be at the preſentation of ane laik Patron, the perſon preſented ſhall giue his oath as followes, I *G, H.* now admitted to the fore ſaid benefice, Teſtifie and declare in my conſcience, That the *RICHT EXCELLENT, RICHT HICH,* and *MICHTIE TRINCE*: JAMES the ſext, be the grace of GOD, King of *Scotland England, France*, and *Ireland*: *defender of the Faith*, &c. is the onlie lawfull Supreme Gouernour of this Realme, alſwell in matters ſpirituall and Eccleſiaſtick, as in things Temporall. And that na foreine Prince, State, nor Potentate, hes or oucht to haue any juris-diction, power, ſuperioritie, prę-eminence, or authoritie eccleſiaſticall or ſpirituall, within this Realme. And therefor I vtterlie renunce and foreſaik all foreine juris-diction, power, ſuperiorities and authorities. And promeſs that from this furth I ſhall and will bear faith and true alledgeance to his Highnes, his heires and lawfull ſucceſſors. And to my power ſhal aſſiſt and defend all juris-dictions, priuileges, prę-eminences, and authorities granted and belonging to his Highnes, his heires, or lawfull ſucceſſors, or vnited and annexed to his royall Crowne. And I doe aknowledge and confeſſe to haue and hauld the ſaid benefice and

poſſeſſions of the ſame, vnder GOD be his Majeſtie, of *E. F.* lawfull Patron of the ſame.

THAT THE VISITATION of ilk Diocie be doone be the Biſhop himſelf and if the bounds be greater then he can ouertak. That then hee make ſpeciall choiſe of ſome worthy man of the miniſtrie within the Diocie, to viſit in his place: And what euer miniſter without juſt cauſe or lawfull excuſe made ſall abſent himſelfe from the viſitation or the dioceſian aſſemblie, He ſhall be ſuſpended from his office and benefice: and if he amend not, he ſhall be depryued.

THAT THE CONVENTIONS of miniſters for exerciſe, ſhal be moderated by the Biſhop being preſent, and in his abſence, by any vther miniſter whome he ſhall appoint at the Synode.

Whilks Acts, Ordinances, declarations, and determinations aboue written, his Majeſtie finding to be verie agreable to the true Religion profeſſed within this Kingdome, and to the godlie and decent gouernament of the Kirk, miniſtrie, and whole members thereof. Therefore, his Highnes with advyſe and conſent of the Eſtates of Parliament, Ratefies, approwes, and confirms all and ſundrie the premiſſes, and Ordeins them and euerie ane of them, to be obeyed and obſerued, be all his Highnes ſubjects as inviolable Lawes in all tyme comming. Anulling and reſcinding the 114 Act, of his Majeſties Parliament halden in anno 1592. And all and whatſomeuer vthers Acts of Parliament, Lawes, ordinances, conſtitutions, ſentences and cuſtomes, in ſo farre as they or any of them, or any part of the ſame are contrare or derogatorie, to any of the articles aboue written: als eſſentiallie, and effectualie in all reſpects, as if the ſaids Acts and conſuetudes heirby abrogate, were at lenth herein expreſt.

ANE ACT FOR REMANDING BACK TO HIS Majeſties officiars of Juſtice in England of offenders in ſome particular crymes in the Act mentioned, who after the committing the offence in England, ſhalbe there vpon fugitiue, and remane in this Kingdome.

CHAP. II.

OUR SOVERAINE LORD, and Eſtates of Parliament, conſidering that albeit the gude effects of his Maieſties cairfull providence, to repreſſe the innumerable diſorders, crymes, & offences, whilks befoir his happie atteining to the crowne of *England*, were not only frequent bot almoſt ordinare in theſe bounds of the Kingdoms of *Scotland*, and *England*, (which then being the borders of the two Kingdoms, are now become the middle-ſhyres thereof.) Hes reduced theſe pairtes to ſo gude progreſſe of peace and obedience, as in ſo ſhort tyme could hardlie haue beine expected. Neuertheles it is founden be experience that alſweel in theſe ſhyres, as in diuers vthers partes of both kingdomes ſome euill diſpoſed perſons are imboldned to attempt and perpetrat many heynous crymes & offences, vpon hoipe

hoipe of impunitie, If after the committing of the ſame in the one countrie they may flee and eſcaipe to the vther, and not be ſend back to the place of their offence. The practize whereof hes made many odious cryms & tranſgreſſions heir-toſoir to remaine vnpuniſhed to the great contempt of his Maieſties authoritie, and vniuerſal greife of all gude ſubjects of both Kingdoms

FOR REMEDE whereof OUR SOVERAINE LORD, with adviſe and conſent of the Eſtates of Parliament, Statuts and ordeins, that if at any tyme after the end of this preſent Seſſion of Parliament, any perſone or perſons ſhall cõmit any cryme or offence, within the Realme of *England*, whilk be the Lawes of the kingdome of *Scotland*, are or ſhalbe declared or ordeined to be pettie treaſon, mourther, man-ſlauchter, fellonous burning of houſes and Corne, burglarie, robbing of houſes by day, robberie, thift, or rapt, and ſhall flie or eſcaipe into this Realme, of *Scotland*, and be taken & apprehended within any part of the ſaid kingdome of *Scotland* boundes and dominions thereof. That then it may and ſhalbe lawfull to and for the Juſtice generall and his ordinar Depute, the Shirefs, Stuards, Lords, and Ballyes of Regalities, the Commiſſionars of borders or any two of them, in their ordinar Courts, or the Iuſtices of Peace in their generall and quarter Seſſions, or any foure of them: vpon due and mature examination of the ſaid offence or offences in open Courts or ſeſſions and pregnant pruiffs of the ſam by warrand vnder their hands and ſeales. To Remaund and ſend all ſuch offenders into the Realme of *England*, there to receiue their tryell for any of the foirſaids offences, committed be them within the ſaid Realme of *England*, in maner aboue mentioned: Nothwithſtanding any Law, Act, or Conſtitution, made at any tyme heirtoſoir to the contrar.

Provyding neuertheles that this Act or any clauſe therein conteined, ſhal not take effect force nor execution in any ſort. Except and Law and Act of Parliament be made and eſtabliſed within the Realme of *England* in the firſt ſeſſion of the next Parliament thereof: For Remanding and ſending out of the ſaid Realme of *England* into the Realme of *Scotland* all perſons who ſhall at any tyme heirafter commit any of the crymes or offences foreſaids, within the Realme of *Scotland*, and thereafter flie into *England*, or any part of the dominions of the ſaid kingdome, to receiue their tryell in due examination and puniſhment within the Realme of *Scotland* for euerie ane of the ſaids offences commitred be them within the ſaid Realme of *Scotland* in maner before mentioned.

Ane Act declaring that in all tyme heirafter, the objecting of Horning for a Civile cauſe of the partie ather ſlaine or mutilat, ſhalbe no liberation of the offender from the punishment due of the Law.

CHAP. III.

OUR SOVERAINE LORD with adviſe and conſent of the Eſtates of Parliament: Statuts that if any of his ſubjects be mutilat or ſlaine being at the horne onlie for Civile cauſes the Slayer heing perſued or ſick as

are airt or part of the ſaids crymes of Slauchter or Mutilation, befoir the Juſtice generall his deputs or any vther ordinar Judge: No alledgeance founden vpon the partie ſlaine or mutilat, their being at the horne for any civile cauſe, ſhall ather ſtay proceſs or be ane defence to delay proceſs or procure impunitie to any of the offenders guiltie of the crymes foreſaids. And this Act to haue force effect and execution, for all ſick crymes aboue ſpecified as ſhalbe heirafter committed allanerlie.

Ane Act againſt Ravishers of VVeemen.

CHAP. IIII.

OUR SOVERAINE LORD, with adviſe and conſent of the Eſtates of Parliament, Statuts and ordeins that if any being airt or part of Raviſhing of Weemen, be perſued for that heynous offence and defend thē ſelfes be the ſubſequent conſent of the woman raviſhed, or be her declaration that ſhee went with them of her awne frie-will and conſent (albeit in that caſe the womans declaration of her conſent may exeime them from Capitall puniſhment,) That if the womans Parents or neireſt kins-folks, or his Majeſties Advocat be able to verifie be determination of the aſsiſe, that the fact wes at firſt violentlie and forceablie done againſt the parties will and without their conſent. The ſubſequent conſent or declaration of the partie ſhall not exeime the offenders from his Maieſties arbitrall puniſhment of warding their perſons, confiſcation of their goods, or impoſing vpon them pecuniall pœnalties at his Maieſties pleaſure.

Ane Act anent more tymous teynding, for the eaſe of the labourers of the ground.

CHAP. V.

IT is Statut and ordeined by OUR SOVERAINE LORD, and Eſtates in Parliament: That in tyme comming in all teynding of Cornes, that the ſame be teynded at three ſeuerall tymes euerie yeere if the awners of the cornes ſhall think it expedient: To wit the croft infeild corne at ane tyme, the beere at ane vther tyme, and the out-feild corne at the thrid tyme.

And Declares that eight dayes after the compleit ſhearing of ilk ſort of cornes being out-run, that it ſhall be leſum to the awners at the ſaids eight dayes end, to mak requiſition vpon vther eight dayes to mak them thankfull teynding, and if the awners get not thankfull teynding at the expyring of the ſaids laſt eight dayes.

The ſaids Eſtates declares that it ſhalbe lawfull to the awners of the ſaids cornes to teynd and ſtak the ſamine them ſelfes conforme to the Act of Parliament made of befoir anent the teynding of cornes in all poynts, and ſhall incurre na danger theirthrough.

Ane

XXI *Parliament the xxiij day of October* 1612.

Ane Act for discharge of all persute against any within the bounds of the late borders for causes preceiding his Majesties going to England, *with exception not theles of all decreits alreddy recouered: and with reservation of the criminall persute at the instance of his Majesties officiars.*

Chap. VI.

OUR SOVERAINE LORD, and Estates of this present Parliament hauing due consideration that through the occasion of vnquyetnes of the borders of this Realme and of the deadlie feads theirof, there fell out divers blood-sheds, slauchters, mutilations, fyre-raisings, stowths, and vthers crymes indicting death: As also sundrie spuilyies, hearships, depredations, and reiffs of vthers goods and geare within the saids Borders. And vnderstanding that throgh his Highnes happie preferment to the Crowne of *England*, the saids borders of both the Realmes are become peceable & civile, albeit that the inhabitants thereof are not able to satisfie the bygane damnages of parties.

Therefor OUR said SOVERAINE LORD, and Estates forsaids findes, declares, decernes, statuts, and ordeins, that all and sundrie inhabitants within the bounds of the saids Borders of *Scotland*: and speciallie within the bounds of the Shirefdome of Bervick, Roxbourgh, Drumfreis, and Stuardrie of Annandaill, their heires, successors, and executors, are and shal be fred, exonered, and discharged be virtue of thir presents of all actions of spoliation and wrangous intromission with whatsumeuer goods and geire, spuilyed and intromeued with be them or their predicessors, before his Majesties preferment to the said Crowne of *England*. With ane expresse reservation not theles of all Decreits and sentences alreddy gotten and obtained, be any person whatsumeuer before the date of thir presents: Whilks are declared heirby to be no waye comprehended within the compas of this present Discharge.

And also his MAJESTIE and Estates foresaids, Declares, statuts, and ordeins, that the saids inhabitants of the saids Borders, and speciallie within the Shirefdomes and Stuardries respectiue aboue written: Are and shalbe frie fred and discharged, be thir presents of all Criminall persuits and actions, intended or to be intended or persued against any of them, be any partie or persons whatsumeuer: (except alainerlie be his Maiesties Advocat Justices and Commissionars, deput and to be deput for that effect.) for whatsumeuer fyre-raisings, slauchters, mutilations, thifts, stouths, or vthers criminall actions whatsumeuer committed be them, importing or that may import the taking away of their lyues, the samin being committed before his Highnes preferment to the said crowne of *England* alainerlie. But prejudice alwayes to his Highnes Advocat, Justices and Commissionars, to persue the saids criminall actions as accords of the Law. And with expresse declaration that this present Act shall no wayes be extended to any crymes wranges factes and deeds, done since his Highnes preferment to the said crowne of *England*.

An-

Ane Act allowing Horning vpon ane ſimple charge of fyueteene dayes to bee direct vpon Commiſſars decreits.

CHAP. VII.

OUR SOVERAINE LORD, be advyſe of the three Eſtates of Parliament, Ordeins and ſtatuts, that the decreits and ſentences of all Commiſſars within this kingdome, receaue ſicklyk execution be Horning as the decreits of Shireffs, Admiralls, Stuards, and Baillyes of bourgh: And that the Lords of Seſſion vpon the ſicht of the acts and decreits of the ſaids Commiſſars or their precepts lawfullie execut be their officiars, berand the partie to haue beine charged vpon fyuetein dayes: Direct letters of horning vpon the ſimple charge of fyuetein dayes as in the caſes aforeſaids, and conforme to the act of Parliament made in their favours.

Ane Act anent repairing of Biſhops manſes.

CHAP. VIII.

OUR SOVERAINE LORD, with advyſe of the three Eſtates, Ordeins all Arch-biſhops, Biſhops, and vthers Eccleſiaſticall perſons, to build repaire and mainteine their houſes and manſes in ſick caſe as may ſerue for their dwelling and the dwelling of their ſucceſſors, and if they or any of them ſuffer the ſaids houſes or manſes to ruyne and decay in their default. The ſucceſſor ſhall haue action againſt their executors for the ſame: As als where the ſaids houſes ar fallen in decay, and ſhalbe built and repaired be any of the beneficed perſons vpon their awne expenſes, the next ſucceſſor ſhalbe obleiſt to giue ſatisfaction therefor to the heires or executors of the defunct at the ſicht of two or three of the Biſhops within the Province. Provyding that the ſaid ſatisfaction exceid not the ſoume of ane Thouſand pounds, if they be prælats, and fyue hundreth merkes, if they be vther inferior miniſters.

Ane Act pardoning the bypaſt eſcaips of ſome pœnall Statuts therein mentioned.

CHAP. IX.

THe whilk day the Commiſſion after ſpecified ſigned be his Majeſtie wes preſented before the Lords of articles of this preſent parliament of the Eſtates of this preſent Kingdome, and wes then hard read and allowed of be them, and the ſaids Commiſſionars wer deſyred and requyred according to his Maieſties gracious pleaſure and will ſignified therein to proceid in doing what vnto them by the ſaid Commiſſion wes directed: of the whilk Commiſſion the tennor followes.

OUR SOVERAINE LORD, vnderſtanding that many Lawes, and acts of Parliament wyſlie inſtitut for preventing and puniſhing abuſes by pe-

bypecuniall paines haue beine ſo lang neglected without any reſearch tryall or puniſhment of the contraveiners or exacting of the fynes and pœnalties appoynted for theſe tranſgreſſours that the moſt part of the people wer led by erronious opinion to think that the negligence of his Maieſties officiars in diſcoverie and perſute of the offenders againſt theſe Lawes, had proceidit of his Maieſties allowance that the ſaids Lawes and pœnalties therein conteined ſhould goe in deſwetude and no way be put in execution, whereby the abuſe hes haid ſo long toleration and the people ſo conſtant perſwaſion that they wald not be perſued nor troubled for the ſame, that the numer of the guiltie is become ſo great and the pœnalties of theit contraventions ſo many, that the rigorous exaction of the ſame micht turne to the overthraw of a multitude of his Maieſties ſubiects.

FOR Remeid whereof his MAJESTIE with advyſe and conſent of the Eſtates of Parliament giues and grants full power and commiſſion expreſs command bidding and charge to *George* Arch-biſhop of Sanctandrois *Iohn* Arch-biſhop of Glaſgow, *Alexander* Biſhop of Dunkeld, *Iohn* Earle of Marre, *Patrik* Earle of Kingorne, *David* Lord Scoone, Sr *David Carnegie* of Kinnaird Knicht, *Iohn Scrymgeor* of Dudop Conſtable of Dondie, Sr *Gedeon Murray* of Elibank Knicht, *Iames Niſbet*, Mr *Alexander Wedderburn*, *Alexander Rutherfurd* Proveſt of Aberdein, Sr *Thomas Hamilton* Secretar, nour Soveraine Lord, Sr *William Oliphant* his Highnes Advocat, or any eight of them: to convein whatſumeuer dayes and places neidful and convenient, be appointment of the ſaid *George* Arch-biſhop of Sainctandrois.

Their to trye and conſider which of the ſaids pœnall Lawes, and Acts of Parliament haue heirtofoir beine left in ſick deſwetude without any controlment or perſuite as micht haue induced the ſubjects to expect impunititie of contraveining the ſame: as alſo which of the Acts and ſtatuts foreſaids merits Pardon for bygan conrravention, and which of them are fit to be authoriſed in tyme commin after the ſaid Publcation ſhalbe ſeuerlie puniſhed without any farder overſicht or fauour. And whateuer the ſaids Commiſſionars or any eight of them ſhall determin conclude and ſet down in forme of Act, ſubſcryued with their hands ſhall haue the forme ſtrenth force and effect of ane ſure perfyte and abſolut Pardon and remiſſion to all whome it may concerne, for bypaſt tranſgreſſion of the foreſaids Lawes, als valiablie in all reſpects as if euerie ane of them had obteined a lawfull formall and particular remiſſion orderly exped vnder his Majeſties hand and ſeals, with conſent of the ordinar officiars and with all neceſſar ſubſtance & formalitie requiſit in the lyke caſes. With certification to all thoſe who ſhall tranſgreſſe the Laws and Acts of Parliament heirafter to be publiſhed and ordeined to haue force and execution in tyme comming ſhalbe perſued and puniſhed therefore with all extremitie. Ordeining alſo this Commiſſion with the Acts to be made be virtue thereof to be inſert and regiſtrat in the buikes of parliament and haue the force and execution of ane act of the ſame. According wherevnto the aſoir named Commiſſionars haue had ſundrie meitings and taking holde alſwell of the neceſſitie of the puniſhment of ſick as haue contraveined the Lawe, as of his Majeſties moſt gracious inclination to mercie & compaſſion

Haue concluded decried and determined, as after followes.

IN THE FIRST the ſaids Commiſſionars having conſideration of the Act and ſtatut of Parliament made in the moneth of December foure-ſcore ſeventeine yeeres, whereby all lieges were inhibit to take any further annuell, intereſt, or profite, then according to the rate and proportion of Ten for ilk hundreth in the yeere. Determins and ordeins that the ſame in al tyme hereafter ſhall ſtand in full force ſtrenth and effect, and that the contra veiners and breakers of the ſame ſhalbe with all rigour and extremitie puniſhed according to the appoyntment of the foreſaid Act of parliament in all points. And as for ſick as are come within the compas of the breaking and violating of the ſaid Act in tyme paſt ſince the making thereof: IT is declared that if ſick perſon as in tyme paſt ſince the date thereof hath excedit the proportion of twellue for ilk hundreth, by taking grater profite or annuell for their monye lent out ſhall be in lyke ſort without any mitigation ſeueirly puniſhed, conforme to the tennor of the ſaid Act of Parliament. And in lyk ſort It is declared that all ſick perſons who ſince the terme of mertimes 1611 yeeres, (at whilk tyme by his Majeſties direction and appointmēt the offenders in that caſe and violators of the foreſaid Act of Parliament wer perſued) haue given out their monye and taken more profite and annuel then Ten for ilk hundreth, ſhall in lyke ſort be puniſhed as breakers and contraveiners of the foreſaid Act. Bot as for ſick perſons who ſince the date of the foreſaid Act, and before the ſaid terme of mertimes 1611 yeeres, haue not exceidit the proportion of twelue for ilk hundreth. His Majeſties aforeſaids Commiſſionars vpon the knawledg of his Majeſties pleaſure therein whois ſuper abounding loue and mercie to his ſubjects wes neuer wanting and the ſecuritie of the offenders in this caſe who finding no proſecution of any puniſhment vpon the breakers of the ſtatut for ſick a continuance of tyme did ther vpon preſume to themſelfes Impunitie being ſum argument of his Majeſties compaſſion towards them. IT is therefor be the ſaids Commiſſionars decried and determined that all and euerie perſon who hath come within the compas of violating of the ſaid Act, and that fra the date thereof to the ſaid terme of mertimes 1611 yeeres, did never exceid nor tranſcend in taking of profite or annuell for monye lent out be them the proportion of twelue for ilk hundreth, ſhalbe freelie diſcharged, exonered, and pardoned of all paine vnlaw, and puniſhment, which the ſaid Act of Parliament doeth appoynt to be inflicted vpon the contraveiners and breakers of the ſame. Bot it is no waye hereby meaned that this ſhalbe a liberation to theſe who haue in any ſort ſince the date of the Act of Parliament exceided the ptoportion of twelue, or that haue taken more then Ten ſince the ſaid terme of mertimes 1611 yeeres: Bot the offenders in any of theſe caſes to be puniſhed as the Lawe hath appoynted.

AND ſiclyk the ſaids Commiſſionars vpon the reaſons and conſiderations before rehearſed, haue diſcharged ſimpliciter the whole ſubjects and leiges of this Realme, of all ſick bygaine pœnalties, vnlaws, & puniſhments which they or any of them haue incurred through the breaking and violating of any of the Acts and ſtatuts of parliament heirafter expreſſed in tymes

bypaſt

bypaſt alainerlie and no vtherwayes. They are to ſay,

The Acts of Parliament made anent apparrell.

The Acts of Parliament made anent Taverners.

The Acts of Parliament made anent tranſporting of gold and ſilver.

The Acts of Parliament made anent Malt-men.

The Acts of Parliament made anent whiſſiling of gold and ſilver, and taking therefor aboue the kings pryce.

The Acts of Parliament made anent eating of fleſh in Lent, and forebidden dayes.

The Acts of Parliament made anent the vſing of Confections beyond ſea

The Acts of Parliament made anent the tranſporting of forbidden goods.

The Acts of Parliamet made anent the tranſporting of Skinnes.

And the Acts of Parliament made anent the packing and tranſporting of herring before Michaelmes.

And ordeins the ſame whole Acts of Parliament and everie ane of them to ſtand in their awne ſtrenth, force, and effect in all tyme cõming, after the forme and tẽnor thereof, and ordeins the ſame to be put to due execution & the tranſgreſſours thereof to be vnlawed and puniſhed conforme to the vn lawes and puniſhments mentioned therein.

Ratification to the Queenes Majeſtie of her infeftment of Dunfermling.

Chap. X.

OUR SOVERAINE LORD, and Eſtates of this preſent Parliament Ratefies and approves and for his Majeſtie and his ſucceſſors perpetuallie confirmes, the infeftment made and granted be his Majeſtie to his Highnes darreſt ſpouſe ANNA be the grace of God now Queene of greate *Britaine*, *France*, and *Ireland*: and to the heires lawfullie gotten or to be gotten betwix his Majeſtie and his Highnes darreſt ſpouſe foreſaid, Whilks failyeing (as God forebid) to his Highnes heires & ſucceſſors whatſumeuer to the Crowne of the kingdome of *Scotland*: of all and whole the Monaſtrie and abbacie of Dunfermling lyand on both ſydes of the water of Forth, conteining all and ſundrie the lands Lordſhips, Baronies, milnes, woods, fiſhings, manſions, manor-places, kirks, teynds, kirklands, tenents, tenendries, ſervice of frie tenents, yairds, orchards, few-mailles, fermes, kẽnes, cuſtomes, annual-rents, and vthers particularlie and generallie conteined in the ſaid infeftment proceiding vpon the reſignation of *Henrie Pitcarne* of that ilk, as Commendator of the ſaid abbacie of Dunfermling for the tym with conſent of the Convent thereof in maner and to the effect mentioned in the ſame infeftment, whilks are thereby vnited, erected, and incorporat, in ane whole and frie temporall Lordſhip, to be called in tyme comming the Lordſhip of Dunfermling. To be halden of our SOVERAINE LORD, and his ſucceſſors in frie blench fieheretage and frie Lordſhip for euer for the yerlie payment of Sex ſhillings, eight pennies. monye of this realm of *Scotland* yeirely at the feaſt of whitſunday in name of blench-ferme if it beis asked a-

alain-

alainerlie, lyke as at more lenth is conteined in the ſaid infeftment vnder his Highnes great ſeale, of the date at *Linlithgow* the ſevint day of March 1593 yeeres, and of his Highnes regne the xxvij yeere. With the precept and inſtrument of Seaſine following therevpon, togidder with and ſundrie infeftments ather paſt be reſignations or confirmations precepts vpon retours or be precepts of *Clare conſtat* gifts of offices tacks of teynds of lands or vthers teynds whatſumeuer diſpoſitions be forme of indentor contract or aſſignation of any yeerlie dueties rents or cõmodities perteining and belanging to the ſaid Lordſhip of Dunfermling and patrimonie thereof of whatſumeuer date or dates tẽnor or contents the ſamine be of ather alreddy made, giuen, and granted or that hereafter ſhall happen to be made giuen and granted to whatſumeuer perſon or perſons their heires and aſſignayes by our Soveraine Lady as Lady of Dunfermling with conſent aſſent and authoritie of our ſaid SOVERAINE LORD, her Majeſties darreſt bedfellow for his Highnes entres and wirh advyſe conſent and aſſent of *Alexander* Earle of Dunfermeling Chancellar, *Walter* Lord of Blentyre, wmwhyle Mr *Iohn Lyndeſay* of Balcarras, wmwhyle Mr *Iames Elphingſtoun* of Innernochtie, Sr *Thomas Hamilton* of Byres Knicht Secretare, wmwhyle *Alexander Hay* of eſter Kennet Clerk of Regiſter for the tyme, and Mr *Peter Young* of Seatoun Elymoſinar to his Majeſtie, or any foure of them her Majeſties Counſellors nominat be our ſaid Soveraine LORD, with advyſe of the Eſtates of his Highnes Parliament halden at *Edinbourgh* in the moneth of Julij 1593 yeeres. Or with conſent of ſick vther perſon or perſons nominat & placed as Counſellors to her Majeſtie ſince the deceſſe of any of the perſons particularlie abouenamed or with conſent of any vthers her Majeſties Counſellors who ſhall happen at any tyme hereafter to be nominat in place of the perſons aboue named ather alreddy deceiſſed or that hereafter ſhall happen to deceis in maner and forme as is preſcryved in the ſaid Act of Parliament made in the ſaid moneth of Julij 1593 yeeres. In all and ſundrie points paſs heids articles clauſes circumſtances and conditions whatſumeuer therein conteined, after the formes & tẽnors thereof reſpectiue in all points. And our ſaid Soveraine LORD and Eſtates foreſaids willes and grants declares decernes and ordeins, that this preſent confirmation is and ſhall be als valiable effectuall and ſufficient in all reſpects as if the foreſads infeftments chartors precepts and inſtruments of Seaſine granted to our ſaid Soveraine Lady of the ſaid whole Lordſhip of Dunfermling, togidder with the vther infeftments precepts gifts of offices, tacks indentors contracts aſſignations and vthers aboue vritten ather alredy made giuen and granted be her Majeſtie with conſent aſſent authoritie and advyſe foreſaid to any perſon or perſons conteining diſpoſiton tack gift or vther richt of the ſaid Lordſhip and patrimonie of Dunfermling or any part of the ſamine were at lenth word be word ingroſt hereintill.

Ane Act declaring that all ratifications paſt in this Parliament are no vther-wayes exped bot Salvo jure cujuſlibet.

Chap. XI.

FOR-ſameikle as in this preſent Seſſion of Parliament there are many Ratifications paſt, wherein diuerſe and new clauſes are inſert whilks may be prejudiciall to particular parties richts and derogatiue to many and ſundrie Lawes lawfullie made and eſtabliſhed of before: albeit the meaning of the Eſtates be at this tyme as it was euer in all preceiding Parliaments that be na Act of Ratification any vther partie ſhoul be hurt and prejudged.

FOR Remeid whereof, It is ſtatut and ordeined that no Ratificatioun paſt in this preſent Seſſion of Parliament ſhould be prejudiciall to any priuat parties richt bot that the ſaids ratifications be alwayes vnderſtude whidder they be generall or ſpeciall to be *Salvo jure cujuſlibet.*

THE MINVTE OF THE PARTICVLARS ACTS VNprinted which wer exped and paſt, in the Afore-ſaid Parliament.

1 ACT concerning the voluntar offer of ane Taxation made be the Eſtates of Parliament to his Majeſtie.
2 Act anent the forme and ordor of the vplifting thereof.
3 Ratification of the contract betwix his Majeſtie, and Sr John Arnot, anent Orknay.
4 Annexation of the lands of Orknay to the Crowne.
5 Commiſſion for dealing betwix his Majeſtie and the Biſhop of Orknay for the Biſhops lands in Orknay.
6 Ratification of John Auchmouties renunciation of his right of the Caſtell of Sainct-Andrees.
7 Ratification of the Biſhoprick of Galloway in fauours of Mr Williame Couper, with ſome reſervations in fauors of particular perſons fra the ſame Act.
8 Ratification in fauours of Sainct-Leonards Colledge of the lands belonging to the patrimonie thereof.
9 Diſſolution of the Arch-denrie of Sainct-Andrees and annexation of the ſame to the Biſhoprik thereof.
10 Ratification of the contract betuix the Arch-Biſhop of Sainct-Andrees, and the Citie of Sainct-Andrees with a reſervattion in fauours of the Lord Lyndeſay.
11 Ratification to the Duke of Lennox, of the Dukedome of Lennox, and regalitie thereof.
12 Ratification to the Duke of Lennox of the office of Admiralitie, and priviledges of the ſame.
13 Ratification to the Duke of Lennox of his penſion furth of the propertie.
14 Exoneration to the Earle of Argyle of his commiſſion to Ilay.
15 Ratification of the Patronage of the Kirk of Kingorne, to the Earle of Kingorn.
16 Act for changing the market day of Glammes.
17 Ratification of the Lord Fenton his infeftment of the Loraſhip of Dirletoun.
18 Act for tranſlating of the Kirk of Gullane to Dirletoun.
19 Ratification in fauors of the Lord Lyndeſay anent his infeftment of the lands of Cairny, and vthers.
20 Ratification to the Lord Hay of Sala of his erection of Beaulie.
21 Ratification to the Lord Scoone of his infeftment of Scoone and of the ſaid Lord Scoone, and Sr Mungo Mourray their penſions furth of his M. rents
22 Ratification to the Lord Keith of his infeftment of the Lordſhips of Dunnoter and Innerrugie.
23 Ratification to the Lord of Bukcleuch of his infeftment of Hails & Branxholm
24 Ratification to the Mr of Tullibardin of the lands of the Earldome of Athole.
25 Ratification in fauours of the Lord of Garleis of his infeftment of Garleis and patronage of the Kirk of Pennynhame.

26 *Ratification to the Lord Burlie of his Erection of* Kilwinning.
27 *Ratification to* Sr Thomas Hamilton *of Byres knicht* Secretarye *of his infeftment of Byres.*
28 *Ratification in fauors of* Mr John Preſton *Præſident of his penſion of* 1000.
29 *Ratification in fauours of* Sr Richard Cokburne *of Clerkintoun Lord Privie ſeall, of his infeftment of Clerkintoun.*
30 *Ratification to* Sr William Oliphant *of Newton* Advocat *to his* Highnes, *of the giſt of the ſaid office, and of his penſion.*
31 *Ratification to* Sr Gedeon Murray *of Elibank knight of his penſion.*
32 *Ratification to* Patrik Dowglas *of his infeftment of the lands of* Killſpindie *and* Aberladie *with the teynds of the ſame,*
33 *Ratification in fauours of* John Murray *of his infeftment of the lands of Dun drenan and Lochmaben.*
34 *Ratification to the Laird of* Panmure *of his infeftment of the lands of Panmur, and of the band giuen be the Marquize of Hamilton anent his teynds.*
35 *Ratification to* Sr George Hay *of his giſt of the priuilege of making of Yron and glaſſe-works, with reſervation of* Archibald Primroſe *his particular giſt of ane part of the ſame.*
36 *Ratification to* Sr George Hay *of infeftment of the lands of Kincapell.*
37 *Ratification to the officiars of the* Cunye-houſe *of their priuileges.*
38 *Ratification to* Sr James Sempell *of his infeftment of the lands of* Stuarton.
39 *Act making the toun of* Monimusk *to be head bourgh of that part of the Relitie of the baronies of Keig and Monimusk.*
40 *Ratification to the Laird of* Balmuto *of his infeftment of the lands of Balmuto and patronage of the Kirk of Auchtertoule.*
41 *Ratification to the Laird of* Dundas *of the patronage of the Kirk of Levingſton*
42 *Ratification to* Mr Thomas Hoip *of his infeſnment of the lands of Edmiſtoun.*
43 *Ratification to* Sr James Dundas *of a buriall place in the Reveſtrie of the Kirk of Borthwik.*
44 *Ratification to* Henrie Wardlaw *of the heretable Chalmerlenrie of Dunfer.*
45 *Ratification to the Laird of* Lie *of his infeftment of the baronie of Lie.*
46 *Ratification in fauours of* Williame Nisbet *of his infeftment of the Deane, and Pultrie land.*
47 *Ratification to* Alexander Moncreif *of his infeftment of the lands of Fawſyd*
48 *Act in fauours of the Heires of wmquyle* William Nisbet *of Newton-Leyes againſt the Executors of the Laird of Reſtalrig.*
49 *Ratification in fauours of the Laird of* Spot, *of his infeftment of* Spot, *and Chalmerlenrie of Dunbar.*
50 *Act anent the Kirk of* Creling *declaring the ſame to be ane paroch Kirk.*
51 *Generall ratification of the Bourrowes Liberties.*
52 *Ratification in fauours of the toun of* Glaſgow *of their infeftment.*
53 *Ratification in fauours of the toun of* Dunbartan *of their infeftment.*
54 *Ratification in fauours of the bourgh of* Tayne *of their infeftment.*
55 *Ratification in fauours of* M^r^ Joſua Durie *of his Penſion.*
56 *Ratification to the Laird of* Auldbar *of his infeftment of the Patronage of the Kirk of Roſcobie.*

57 *Act anent the common Kirks of Caithnes.*
58 *The ſupplications of the fewers of* Selkirk, *and Shirref of Roxburgh, referred to the Lords of Seſſion to grant commiſſion conforme to the deſyre thereof.*
59 *Commiſſion to the next Parliament anent preſcription of heretable rights, and als anent procuratories and inſtruments of reſignation.*
60 *Declaration of the Eſtates that ſick cõmiſſionars for the Kings dueties of Erections that are deceſſed, or ſhal happen to deceis ſhalbe ſupplied be his Majeſties nomination hereafter of vthers perſons of that ſame ranke and eſtate.*
61 *Recõmendation from the Eſtates to his Majeſtie of wmquhyl:* Mr Thomas Craige *his warks.*
62 *Proteſtation made be the Earle of* Angus.
63 *Proteſtation made be the Marquize of* Hamilton *to the contrare.*
64 *Proteſtation made be* James Stuart *for the Earle* Marſhall *againſt the Conſtable.*
65 *Proteſtation made be the Earle of* Wintoun *for the Earle of* Erroll *conſtable.*
66 *Proteſtation made be the Lord* Torphichen *anent the Taxation and libertie therefra.*
67 *Proteſtation made be* Sr James Dundas *to the ſame effect.*
68 *Proteſtation made be the town of* Renfrew *againſt* Glaſgow *and* Dunbartan.
69 *Proteſtation made be the bourgh of* Innernes, *againſt the bourgh of* Tayne.

FINIS.

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